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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/074,951 | 02/11/2002 | Ronald A. Fein | MS-1-091USC2 | 8826 |
| 22801 | 7590 | 11/02/2004 | | |
| LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201 | | | | |
| | | | EXAMINER KINDRED, ALFORD W | |
| | | | ART UNIT 2163 | PAPER NUMBER |
| DATE MAILED: 11/02/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

54

Office Action Summary

Application No.

10/074,951

Applicant(s)

FEIN ET AL.

Examiner

Alford W. Kindred

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) # _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/11/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

1. This action is responsive to communications: Application filed on 02/11/02.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

7. Claims 1-6 and 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Bornstein et al.**, US #5,867,164, class 345/357.

With respect to independent claim 1, **Bornstein et al.** "constructing a sentence-based summary" ("a computer system for displaying a summary of a document comprising (I) a document containing one or more separate sentences . . ."--column 3, lines 31-40) "summary at a beginning of the document" ("fig. 6 is a sample user interface display showing some or all of the 'top sentence' of each document in a display line . . ."--column 2, lines 53-64).

With respect to dependent claim 2, **Bornstein et al.** discloses "a word processing application stored in a storage medium which directs a computer to perform the step in the computer-implemented method" ("the present invention, including the software and electronics which allow it to be performed . . . numeral 16 indicates a

memory device which stores programs according to which the CPU . . . "--column 3, lines 51-64).

With respect to dependent claim 3, **Bornstein et al.** discloses "an electronic mail application stored in a storage medium which directs a computer to perform the steps in the computer-implemented method" ("the present invention is equally useful within an electronic mail context where the user can view a summary of the electronic mail received . . . "--column 8, lines 16-20).

With respect to dependent claim 4, **Bornstein et al.** discloses "an Internet web browser application stored in a storage medium which directs a computer to perform the steps in the computer-implemented method" ("the present invention is within the user interface of a modern computer system . . . across a network or even across the Internet . . . "--column 8, lines 21-29).

With respect to dependent claim 5, **Bornstein et al.** discloses "a computer programmed to perform the step in the computer implemented method" ("the interactive document summarization program according the present invention, for example, is generally also stored in memory . . . "--column 3, lines 62-65).

With respect to dependent claim 6, **Bornstein et al.** disclose "a document file formed in memory as a result of the computer-implement method" ("numeral 16 indicates a memory device which stores programs . . . "--column 3, lines 59-62).

As per claims 13-18, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-7 and are similarly rejected.

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7. Claims 7-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bornstein et al., in view of Stark et al., The working word, PC Magazine, p. 487, 10/16/90.

With respect to dependent claim 7, **Bornstein et al.** discloses "evaluating words in the document to identify ordered sets of words that appear repeatedly in a same order" ("determining the significance of particular words and/or sentences, usually by focusing on position in the document, semantic relationships, and term frequencies . . .--column 4, lines 3-12). **Bornstein et al.** does not disclose "ranking individual sentences in the document by treating the ordered sets of words as if the were single words." **Stark et al.** discloses "ranking individual sentences in the document by treating the ordered sets of words as if the were single words" ("the program lets me count the occurrence of odds, characters, or phrases . . .--page 2). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Stark "ranking individual sentences in the document by treating the ordered sets of words as if the were single words" ("the program lets me count the occurrence of odds, characters, or phrases . . .--page 2) with the teachings of Bornstein above, because using the steps of "ranking individual sentences in the document by treating the ordered sets of words as if the were single words" would have given those skilled in the art the tools to search document for single words as well as phrases. This increases the accuracy of specific information in large documents.

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With respect to dependent claims 8-12, these claims are rejected on grounds corresponding to the arguments given above for rejected dependent claim 1-6 and are similarly rejected.

Response to Remarks

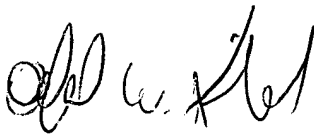
8. Applicant's remarks regarding "applicant's response to the March 9, 2001 office action . . . in the subject application's parent . . . arguments are not repeated herein, but are incorporated by reference", have been considered but examiner maintains that the response to applicant's letter of reconsideration filed on 6/11/01, by the examiner, regarding claims 29-40 and 49-54, are not persuasive.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred
Patent Examiner
Tech Ctr. 2163

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